

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MARYLAND

KIM K. SUMNER

*

Plaintiff

*

Civil Case No. 1:13-cv-00539-JRG

v.

*

MARYLAND JUDICIARY/
DISTRICT COURT OF MARYLAND,
et al.

*

*

Defendants

*

* * * * *

**JOINT MOTION TO CONSOLIDATE DEFENDANTS' RESPONSIVE
PLEADING IN A SINGLE RESPONSE**

The parties, by their respective undersigned counsel, move pursuant to Federal Rules 4(d) and 6(b)(1), that the Defendants be permitted to file a single response to the Amended Complaint and, therefore, that the time for the Maryland Judiciary/District Court of Maryland to file its responsive pleading be extended to correspond with the filing date for the individual defendants newly named in the Amended Complaint.

In support of this motion, the parties state:

1. On April 21, 2014, Plaintiff filed a 93–page Amended Complaint naming seven additional individual defendants and adding five additional counts against the new defendants. (ECF 51)

2. At the request of Plaintiff, undersigned counsel for the Maryland Judiciary/District Court of Maryland requested and received authorization from the seven individual defendants to accept service on each individual defendant's behalf.

3. To avoid the expense of serving the summons, the individual defendants have waived, pursuant to Rule 4(d), the requirement that the summons be served.

4. Accordingly, pursuant to Rule 4(d)(3), the time for the individual defendants to file a responsive pleading is 60 days after the request to waive or July 7, 2014.

5. In the interests of judicial economy and efficiency, the parties request that the defendants be permitted to file a single responsive pleading and therefore move that the time for the existing defendant, Maryland Judiciary/District Court of Maryland, to file a responsive pleading be extended to correspond with the time for the individual defendants to file a responsive pleading, July 7, 2014.

6. The parties have agreed to request referral of this matter to a federal magistrate for settlement discussions and will be filing concurrently a letter requesting such referral.

7. Due to the filing of the Amended Complaint, and the addition of seven new defendants, as well as the referral of the case to a federal magistrate for settlement, the parties will also be filing a motion seeking modification of the scheduling order.

WHEREFORE, the parties jointly request that the upon the individual defendants' waiver of the service requirement, that the Defendants be permitted to file a single

response to the Amended Complaint and, therefore, that the time for the Maryland Judiciary/District Court of Maryland to file its responsive pleading be extended to correspond with the filing date for the individual defendants newly named in the Amended Complaint. A proposed order is attached.

Respectfully submitted,

DOUGLAS F. GANSLER
Attorney General of Maryland

/s/

MICHELE J. McDONALD
Assistant Attorney General
Federal Bar No. 23603
200 St. Paul Place, 20th Floor
Baltimore, Maryland 21202
(410) 576-6576 (phone)
(410) 576-6393 (fax)
mmcdonald@oag.state.md.us

Attorneys for Defendants

/s/

Gerardine M. Delambo
705 Deepdene Road
Baltimore, MD 21210
410-433-1132
sparky4242@comcast.net

Attorney for Plaintiff

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on May 5, 2014, a copy of the foregoing was served by electronic means via the Court's Case Management / Electronic Case Files (CM/ECF) system on the persons entitled to receive such notice.

Gerardine M. Delambo
705 Deepdene Road
Baltimore, MD 21210
Attorney for Plaintiff

/s/

Michele J. McDonald
Assistant Attorney General